CF 34 of 93

G. R. S. IX-5]

Previous references. 1892-93

~~192-~~

(RR)

File No. 169-92

Serial Nos. 1-13

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-13

Mapo! ~~Part~~ B for December 1895

SUBJECT.

Appeal of Krishnappa regarding the Pateli of Doddhejjaji village in Doddballapur Taluk

Index

WD 2333—GPB—20,000—14-6-20

Govt Secretariat

L. R 169-92

Appeal Suit No 49
of 1892-93.

Appellant.	Respondent.
Krishnappa	Channappa minor by Guardian Baira.

Abstract of Exhibits

A. Receipt granted ~~in~~ in the month of Vaisakha of the year Khara, by the Amildar Appu Row to "Gouda and Shanbhog" of Kasba Dodda-Hejjaji, for payment of 18 ¼ Fanams due for the year Vikriti.

B to F. Similar receipts granted in ~~one~~ several months of the same year, for payment of Kandayam due by various Ryots of the village.

G. Letter No 35 dated 3rd February 1839 to "Venkatappa Shanbhog of Hejjaji" ~~from~~ from the Subedar Subba Row,

acknowledging receipt of a certain amount sent by the former.

H. Receipt dated 12th December 1845, granted to Gowda and Shanbhogi of Dodda Hejjaji for payment of a certain — Nagadiyat amount due from the village for the year Visvavasu.

I. Receipt, similar to the above, dated 11th January 1846.

J. Extract from the Taluk Diary, containing the Amildar's order dated 11th June 1863 issued to the Shekdar, which is to the effect that, under the Huzur order No 23 passed in the matter of the resignation of Shanbhogi in favour of Hakdar Shamanya, presented by Sinappa who was doing work in accordance with the agreement about the Shanbhogi and Gowdike office of Dodda Heppaji, the Shanbhogi work should be caused to be done by the said Shamanya himself, and that besides, the Gowdike work of the said village should be got done, according to hak, by Venkataramanya, in accordance with Kramoot.

K. Endorsement No 95, dated 17th November 1870, granted by the Amildar to Venkataramaiya of Kejjaji, which is to the following effect.—

"With regard to your deposition praying for the appointment of your son Puttaiya to the Shanbhogi Patelé of your village, an order has been received from Huzur to the effect that, as the ryots deposed that Irappa himself was the Hakdar & he should be appointed, Irappa has been appointed. Also a Huzur order has been received to the effect that Gowdike office should not be given to Brahmens, but should be given to men of other castes. Therefore your request cannot be granted."

L. Copy of Government Circular No 5 of 1872-73, ruling among other things that Brahmin Hereditary Patels should not be dismissed on the ground that they are Brahmens

M. Copy of Government order No 927-34 dated 9th May 1881, regarding the rights of the family of a dismissed village servant to the office

N. Copy of order No 284 dated 10th July 1886 issued by the Deputy Commissioner of Bangalore to the Amildar of Doddballapur, directing him to enquire and report whether Puttanna or his ancestors held the Patelé of Hejjaji up to the year 1870.

O. copy of Amildar's reply to the above, dated 19th August 1886, which is to the following effect.—

"Puttanna cited Srinivasa Murti and Amrita Row as his witnesses. The former deposed that in 1862-63 Venkatappa ~~had~~ Puttanna's grandfather held the Patelé. The latter deposed thus:—

At the time of Amildar of Pitambaraiya, a dispute arose among the Petitioner's grandfather, father uncle & others. I ~~described~~ settled the dispute as an arbitrator and divided the among them the offices of Shanbhog and Patel

which belonged to their family. The Patel of this Dodda Hejjaji fell to the share of Venkatappa, the Petitioner's grandfather ~~Venkatappa~~. As he was very old, I decided that Petitioner's father Venkata-ramaiya should do the work. I know he was doing the work accordingly.'

x x x x x "

P: Copy of ~~the~~ order No. 346, dated 26th February 1890, from the Deputy Commr directing that there should be a separate Patel for each village.

Q. Sannad dated 9-9-82, granted to Puttanna, son of Krishnappa of Chikhejjaji, appointing ~~as~~ him as Patel of Chikhejjaji Amanikere.

S.V.

6

Appeal No 49 of 1892-93.

Appellant:- Krishnappa

Respondent:- Channappa minor, by his Guardian Bhaire Gowda.

The Appellant seeks to establish his right to & recover possession of the office of Patel of Dod Hejjaji in the Dod Ballapur Taluk.

The General Assistant Comm^r who tried the suit gave a decree in favor of the Appellant, but on appeal the Deputy Comm^r reversed that decree & dismissed the suit with costs.

The Appellant urges that the decision of the Lower Appellate Court is against the weight of evidence and probabilities of the case-

The plaint, written Statement, issues, notes of evidence, Judgment of the Gen^l Assis^t Comm^r, Grounds of appeal to the D^y Comm^r, and the Judgment of the D^y Comm^r

This is a good arrangement. If appeals from (Munsifs, these may be adopted in future in such cases) 2/1 1/1

For a day fixed by both parties there nothing any.

AT.

15/6/93

Posted to 29 June 1893
Adjourned to 24th August 93

for Brett
6.

are all in English. Maps are
submitted herewith with
a list.

WR 14/4

8

(4)

Appeal No 49 of 1892-93.

Appellant		Respondent
Krishnappa	v	Channappa minor by his guardian Bhaire Gowda.

Facts of the case -

The appellant seeks to recover the office of Patel of Dod Hejjaji in the Dod Ballapur Taluk. He urges that his father Venkatramayya held the office till 1870, and that in that year he (Venkatramayya) was removed on the ground that a Brahman was ineligible for the office of Patel, and one Veerayya the adoptive father of Respondent, was appointed as Patel.

In 1870 there was an enquiry into the claims set up by Venkat-ramayya and Veerayya. The latter was given preference on the ground that he was certified by a number of ryots to be the hakdar and was a non-Brahman. Two other persons named Channiégowda and Huchegowda then came forward and contended that they were the hakdars, but the Dy Commr

in their order dated 30th January 1872 rejected their claim and confirmed the appointment of Veerayya, as the enquiry made showed that the claimants were supported by Venkat-ramayya whereas the whole body of ryots were in favor of Veerayya. Channeresonda petitioned the Dy Commr-again in 1874 and appealed to the Superintendent of the Division but was unsuccessful. Veerayya held the office till his death in 1885, when Puttamma, a brother of appellant, came forward & contested the Respondent's right to succeed to the office. The Deputy Commr instituted an enquiry as to whether Puttamma's mother actually held the office till 1870, and was of opinion that the evidence produced by Puttamma was insufficient. He accordingly rejected the appointment of Respondt as stated on 31st August 1886. Puttamma then appealed to Government and produced copy of a Sanad issued to Shekdar in 1863 stating that the duties of the Office should accordingly to Hakdari & Mamul be performed by Venkatramayya. Government in their Order Camp Pte 2112 dated 25 Novr 1887 rejected

on the ground that
the appeal ~~to~~ the Office had not
been held by the family for the
past 25 years and that Respondents
father had been duly appointed
12 years ago. The Appellant institu-
-tuted this suit in Sept. 1891. It
was urged on behalf of ~~Appellant~~ Respondent
that the appellant had no right to
the Office and that the suit was barred
The Asst. Commr. who tried the suit
held that the suit was in time and
that as hakdar the appellant was
entitled to recover the office, but the
D.C. Commr. on appeal held that
the Sanad of 1863 was not sufficient
to establish the appellants right and
dismissed the suit.

This is apparently
a collusive suit. Appellants
father Venkatramanaya was
removed from the Office in
1870 He was unsuccessful
in his attempts to regain
the Office. The appls' brother
next put forward his
claim which was also
rejected and this suit has
been brought by appls upon
the same grounds as those
on which the appls father &
brother claimed the Office
namely that the hak &c
performed by them family -

The Land agree with the
Plaintiff in thinking that
Appt failed to prove
that his father proposed
this hereditary right of the
Patels in dispute and
that whatever might be
the right under which
Appts father performed
the duties prior to 1870
the Respt and his late father
have been in undisturbed
possession and Enjoyment
of the Watan since 1870 a/o
the past 23 years - The Appt
has failed to prove right to oust the Respt
and the suit has been
properly dismissed. The Plaintiffs
decision is affirmed and
this appeal dismissed

AR

29/8/95

(8)

Review Pet No 1214
of 1893-94—

In the Review Petition no
question of Law is raised—
In Petitioner sent[s] ~~Kevo Mundey~~ Wells
on the word used in the Judgement—
that there is a collusive suit—
I says that it is not— It may or
may not be regarded as a
Collusive suit, but the appeal
was not repealed on that ground
It was repealed on the ground
that the appellant failed to
prove her title.—

The question is only one
of appreciation of evidence.
No Document produced
by the appellant was rejected
as inadmissible in evidence.
It ~~Law~~ the ~~—~~ Dy Court only

held that
the ordinary order
of 11 June 1863, in
which it was said that
H Patel's duties
should be performed by
appt to father "according
to Hindu & Mamul" was
insufficient to prove the
title. Appts contention
is that it is a sufficient
evidence when taken
in connection with the
receipts he produced
but the Dy Com held
that it was not sufficient
I respectfully think that
in the absence of better
evidence in favr of the
Respts than the representations
of the Villagers, the evidence
is strong in favr of the
appt, but the ~~Judges~~ Comrs
who heard the appeal
having thought otherwise

Therefore, I cannot
see that there is any thing
new to be considered
& I must repeat the
reasons Petition unless her
Honor Judge Kelly or wishes
to reconsider the case

I have some doubts
on the point whether the
suit is not barred by the
Law of Limitation - but I
need not consider it now
as all the Courts have held
that it is not barred
Perhaps the Court have to
consider it too if the
Reasons Petition is
overruled -

W. Olmsted
6/12/93

Send this to Hon
Honor Judge Kelly

The whole case was
very fully argued. before Mr Justice
Jr Stuart and we held that after

15

Upon his title and that
the Land Department Ruling
the Hon Secretary has Late-
ly rendered since 1870 was adverse
to the appl- There are in my
opinion no valid grounds
entertain the appeal herein
I am respectfully

A Thomas Clay

Commissioner
18 Dec 1894

Rec'd 8/1/94.

(General Serial No. 132.) 16

1892.

No. 913

Name of Petitioner. Krishnappa

Village. Bangalore

Taluk.

District.

Date of Arz 1. 10. 92

Date of Receipt 10 10. 92

Date of Disposal.

No. of Enclosures. 3

Appeal in time

Call for Proc with the usual report BO

ABSTRACT

Petitioner appeals against the decision of the Deputy Commissioner Bangalore District in Appeal suit No. 1 of 1892, which is to the effect that he holds that Petitioner has failed to prove his hak to the office of Patil of Doddegiyapa, Doddaballapur Taluk; and that he decrees therefore against Plaintiff (Petitioner) with costs.

Mysore Govt. Central Press Bangalore—7-9-92.—4000.

S.V.

Pet
1751

(2)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

L.D. 162-92

The accompanying Petition No. 973

dated 1st Oct 1892 received at the

Dewan's Office from Arkeshwappa of

Bangalore, appealing against

the Dy Comr's order in re his hak to

Pateli of Dodhejjaji, Doddaballapur

Taluk,

From the same No. 426 dy 12/11/92

is forwarded, together with its three

enclosures, to the Dy Comr Bangalore

Deatt, for submission of Proc

with a report on the facts of the

case & on the points taken in

the petition

2. The Peta should be ret

By Order,

Draft

31/10/92

For Chief Secretary.

BANGALORE,
31 Oct 1892

5—11—92

(General Serial No. 30.)

1892. 9 37 29

3

From The Dy Commissioner.

Bangalore District.

S. 7.
R
15/11/92

L. R. 16

To

The Chief Secretary to the Dewan
of Mysore.

Dated 12th November 1892.

Despatched

Received 14/11/92 Petn for Mysore 14/11

Enclosures No. 1 (Sale V. Papers

General No.
D No. 426.

Sir

I have the honor to forward herewith Proceedings on Revenue Appeal Case No. 1 of 1891

14/11/92

Official Memo
No. Petn. 551 dated 31st Ultimo,
forwarding petition from
Krishnappa of Bangalore
for submission of Pro-
ceedings with a report,
connected with the Potéli
office of Dodkeyaje, Dod
da Ballapur Taluk.

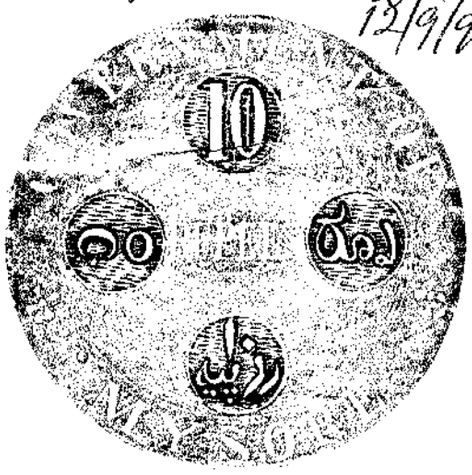
In returning the en
closures received with
the above I have the honor.

on the file of this Court
and to state that the
Judgment contains
a full account of the case.

[illegible]

for Dy Commissioner

12/9/93



MYSORE COURT FEE

913 R
13-10-92

A. S. No 49
92-93.

Presented in person.
13/10/92

In the Court of the Dewan
in Council
Mysore

Rev. Appeal No of 92.

Appellant
Krishnappa Reddy
in Akkihetta Village

Respondent
Chennabba, Minor
Guardian Boya residing
in Doddabillai Dodda
ballapur Taluq.

Appellant above named most respectfully begs to Appeal against the decision of the Deputy Commissioner of Bangalore District in Appeal Suit No 1 of 92 on the following grounds.

The decision of the Lower Court (Appellate Court) is against the weight of Evidence & the probabilities of the Case.

Judgment of the Lower Court are herewith filed
13-10-92

21

Before the Government of *His Highness* the Maharaja of Mysore.

(62)

Appeal No. 49 of 1892-93

L. R 169-92

Appellant.
Krishnappa

v.

Respondent.
Channappa minor by his Guardian Bhaire Gowda

~~Decision.~~ Facts of the case.

The appellant seeks to recover the Office of Patel of Dod Hejjaji in the Dod Ballapur Taluk. He urges that his father Venkatramayya held the Office till 1870, and that in that year he (Venkatramayya was removed on the ground that a Brahmin was ineligible for the Office of Patel, and one Veerayya the adoptive father of Respondent was appointed as Patel.

2 In 1870 there was enquiry into the claims set up by Venkatramayya

and Veerayya. The latter was given preference on the ground that he was certified by a number of ryots to be the hakdar and was a non-Brahmin. Two other persons, named Channiré gowda and Huchegowda, then came forward and contended that they were the hakdars, but the Deputy Commissioner in his order dated 30th January 1872 rejected their claim and confirmed the appointment of Veerayya, as the enquiry made showed that the claimants were supported by Venkatramayya whereas the whole body of ryots were in favor of Veerayya — Channeregowda petitioned the Deputy Commissioner again in 1874 and appealed to the Superintendent of the Division, but

was unsuccessful. Veeraya held the Office till his death in 1885, when Puttanna a brother of Appellant came forward and contested the Respondent's right to succeed to the Office. The Deputy Commissioner instituted an enquiry as to whether Puttanna's father actually held the Office till 1870, and was of opinion that the evidence produced by Puttanna was insufficient. He accordingly directed the appointment of Respondent as Patel on 31st August 1886 Puttanna then appealed to Government and produced copy of a Sanad issued to Shekdar in 1863, stating that the duties of the Office should, according to Hakdar and Mamool, be performed by Venkatramayya, Government

Government, in their Camp No 2112 dated 25th November 1887, rejected the appeal on the ground that the Office had not been held by the family for the past 25 years and that Respondent's father had been duly appointed 12 years ago. The Appellant instituted his suit in September 1891. It was urged on behalf of Respondent that the Appellant had no right to the Office and that the suit was barred The Assistant Commissioner, who tried the suit, held that the suit was in time and that as between the Appellant was entitled to recover the Office, but the Deputy Commissioner, on appeal, held that the Sanad of 1863 was not sufficient to

establish the appellants' right and dismissed the suit

Decision

This is apparently a collusive suit - Appellant's father Venkatramanayya was removed from the Office in 1870. He was unsuccessful in his attempts to regain the office. The appellant's brother next put forward his claim, which was also rejected; and this suit has been brought by appellant urging the same grounds as those on which the appellant's father and brother claimed the Office, namely, that the land appertained to their family. The Government agree with the Deputy Commissioner in thinking that Appellant failed to

prove that his father
possessed the hereditary
right to the Palali in
dispute and that, whatever
might be the right under
Muda. Appellant's father
performed the duties prior
to 1870, the Respondent and
his late father have been
in adverse possession and
enjoyment of the Office since
1870 or for the past 23 years.
The Appellant has, therefore
no right to oust the Respondent
and the suit has been
properly dismissed. The
Deputy Commissioner's decision
is affirmed and this appeal
dismissed.

By Order.

Remark
Re 4478 1-9-93
P.736-93

Chief Secretary

Copy to the Deputy Commissioner
Bangalore with the record received
with his No. 426 of 12-11-92.

By Order

Chief Secretary

1/9/93

No. 913 / 49 / 93

12/9/93

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
September 1893

(15)

Endorsement granted to Krishnappa, residing in Akkipetta, Bangalore L.R 169-92

in reply to his Petition Registered No. 913 / A.S. 49 dated 5th October 1892 appealing against the decision of the Deputy Commr of Bangalore in Appeal Suit No 1 of 1892, regarding the office of Patel of Dod Hejjaji in the Dod Ballapur Taluk.

Petitioner is informed that the Respondent and his father having been in adverse possession and enjoyment of the office for the past 23 years, the appellant has no right to oust the Respondent. ~~The Deputy Commr's decision is, therefore, affirmed and the~~ appeal is hereby dismissed.

2. The enclosures are herewith returned.

Draft
(Council order)

"By Order"

Chief Secretary.

Mysore Govt. Central Press, Bangalore.—9-2-93—2000.

File No: 34 of 93 25

(General Serial No. 32.)

1893 (7)

No. 1214

Name of Petitioner. Krishnaswami by M/s J. Ramanujachariyar his Vakil

Village.

Taluk. Bangalore.

District.

Date of Arzi. 6-11-93

Date of Receipt. 6-11-93

Date of Disposal.

No. of Enclosures. four

ABSTRACT:

Review Application

Prays that the judgment passed in the Rev: Appeal No: 49 of 1892 may be reviewed on the following grounds:-

(1) There could be no collusion in a son recording his rights by a regular suit to a hereditary office through his brother's father's petition against their deprivation of the office were rejected by the Govt on the summary side & such

Appt for review - 3c Line-Stamp sufficient

Submitted to the Commissioner with reference.

RR 13/11

The facts are well known to the Commissioner already passed

RR 14/11

Mr Chatterjee

The other Councillors who heard this case was Mr Ramachandra Iyer. As he is not a Councillor now, orders are solicited for carrying out the above order.

RR 14/11/93

I understood that the Hon'ble Mr Chatterjee was to be the Hon'ble Mr Chentsal Rao?

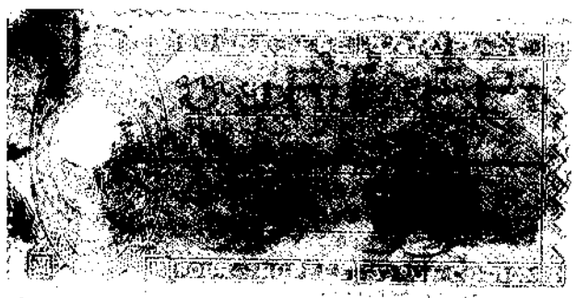
RR 14/11

Subd to Hon Councillor RR 16/11/93

Please see note previously

Ved 6/12/93

which have never been held before
collusive
2) The honorable Council failed to
decide the appellant's case on its merits
did not consider the question of the
appellant's minority as it affected
the point of limitation in the case.
3) The honorable Council should
have recorded a distinct finding
on exhibit "G" which is conclusive
upon the appellant's suit.
4) That the appellant's father was
the landlord as proved by the Respondents
witnesses & the exhibits produced in the case
The honorable Council has
used the judgment more upon
the consideration of the collusion
mentioned in the judgment
than upon the real merits of the case



30

Presented by
Mr Ramaswamy Iyer's
Gumastha.
MNK
6/11

Petitioner

MYSORE DEWAN'S OFFICE
PETITION DEPARTMENT
REG'D. NO. 1214 R
DATE 6-11-93

Five Rupees Stamp
MNK

Before the Government of His Highness
the Maharaja of Mysore

(7)

Appeal No: 49 of 1892-93

Review Petition No: of 1893-94.

Appellant
Krishnappa

vs

Respondent
Chennappa minor
by his guardian Baire
Gowda

The appellant above-named most humbly prays for a Review of the Judgment passed in the above case on the following grounds:—

1. There could be no collusion in a son asserting his rights by a regular suit to a hereditary office though his brothers' and fathers' petitions against their deprivation of the office were rejected by the Government on the Summary side and such suits have never been held before as collusive.

2 The honorable Counsel failed

to

to decide the appellants case on its merits and did not consider the question of the appellants minority as it affected the point of limitation in the case.

3. The honorable Council should have recorded a distinct finding on Exhibit "J" which is conclusive upon the appellants' hand.

4. The appellants' father's dismissal was for no fault of the appellants' father so as to disinherit all his heirs simply on the ground that the appellants' father was a brahamin, and this is opposed to Government circular as exhibited in Exhibit L

5. The Respondent has wilfully kept back the Award of his appointment and though appellant took out General Summons for the production of the records of 1870, the Taluq authorities reported that the records were all missing

6. That the appellants' father was the bungdar is proved by the Respondents' witnesses and the Exhibits produced in the case.

7 The honorable

7. The honorable Council has based the judgment more upon the consideration of the collusion mentioned in the judgment than upon the real merits of the case.

Bangalore
6th November 93

S Ramdas
Advocate for Appt.

No. 1214

(9)

11-1-94

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

8-1-1894

Endorsement granted to Krishnappa of Bangalore represented by Mr. S. Ramaswamy Iyer, Advocate

in reply to his Petition Registered No. 1214 dated 6th November 93 praying for review of the decision of Government in Appeal Suit No 49 of 1892-93, regarding the office of Patel of Doddajji, in the Doddballapur Taluk

Petitioner is informed that there are no sufficient grounds to entertain the application for review and that it is therefore rejected.

The enclosures are returned

8/1

"By Order"

Draft

Chief Secretary.

8/1/94

Mysore Govt. Central Press, Bangalore.—3-2-93—2000.

34 pt 33/53

(General Serial No. 32.)

189½ (10)

No. 2479

Name of Petitioner. Krishnappa

Village.

Taluk.

District.

Date of Arzi. 16-2-94

Date of Receipt. 19-2-94

Date of Disposal.

No. of Enclosures. four

ABSTRACT.

Review application

Prays for a review of the judgment passed in Appeal No. 49 of 1892-3 in re the Patailee of Dodda Hejjaje Doddaballapur Taluk.

21/2

Revenue Councillor's order

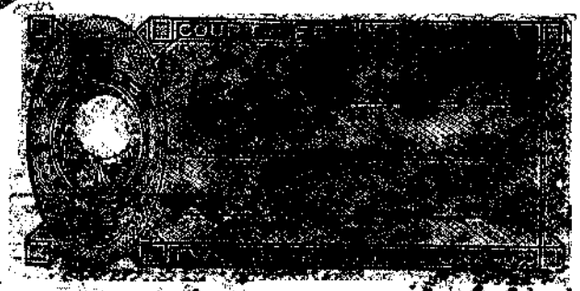
"This case was disposed of by Mr. T. Chetty & Mr. Ramachendra Iyer - Petitioner applied for a review & it was rejected. He again applies for a review. Both Mr. Thimma Chettyar & myself think that the papers had better be sent to the Dewan for final disposal. Send him all the papers accordingly. P.C.

Left 8/12 [illegible] from D.C.

[illegible] 3/3 to D.C.

The words which have been returned should be called for

7/3



(10)

MYSORE
PETITION
REG'D. 24798
DATE 19-2-96

Before the Government of His Highness
the Maharaja of Mysore.

Appeal No 49 of 92-93

Review Petition No of 93-94

Appellant	Respondents
Krishnappa &	Chennappa minor by his guardian Bhairegowda.

The Appellant most humbly prays for a review of the judgement passed in the above case on the following grounds:-

1. That the Government has ordered in suit No 760 of 90-91 about the Shanbhakeke hagge of Kengeri Bangalore Taluk, that, there is no relation between a regular suit and suit on the summary side.

2. There could be no collusion in a son ascertaining his rights by a regular suit to a hereditary office though his brothers and father's petitions against their deprivation of the office were rejected by the Government on the summary side and such suits

35

1-11-94

Dy Sec in Secy to Govt

No Case was adjourned by his J. Challapura Dr Rajaramaiya & Br — Relinquishment application was rejected - He appeals for a review. Both his Nephew Challapura & myself Neither the Mahaja had better be sent — to H. Dewan for final decision Should him see the papers accordingly

Dy Sec 1/11/94

Just not Dept to file the Case — I think the decision is Complained of Cannot Sustain being not in accordance with Law

25.11.94

Dy Sec
1/11/94

name never was held before as collusive.

3. The Honorable Council failed to decide the Appellant's case on its merits and did not consider the question of the Appellant's minority as it affected the point of limitation in the case.

4. The Honorable Council should have recorded a distinct finding on Exhibit "J" which is conclusive upon the Appellants huqua.

5. The Appellant's father's dismissal was for no fault of the Appellant's father so as to disinherit all his heirs, simply on the ground that the Appellant's father is a Brahmin and this is opposed to government circular as exhibited in Exhibit "L"

6. The Respondent has willfully kept back his summad of appointment and though Appellant took out several summonses for the production of the Records of 1870. the Taluk authorities reported that the records were all missing

7. That the Appellant's father was the huqdar is proved by the Respondent's witnesses and the Exhibits produced in the

case. 37

8. The Honorable council has based the judgement more upon the consideration of the collusion mentioned in the judgement than upon the real merits the case

9. About shanbhogueship though 15 or 20 years have passed it should be given to the heredito~~r~~s of the Huggudar as Exhibited in Exhibit "He"

10 The Respondant has other two villages besides Doddahejjaji In case that the Government concides that it is improper to dismiss 23 years enjoyment, the Government may confirm the other two villages to the Respondant and retain doddahejjaji to the huggudar, besides the Respondant has no evidence whatever that he is to be put in possession of the potelship

The Appellant had filed the application on 6th November 93 and it is rejected that there is no ground. As the Appellant has every huggae to this office

and the Respondant has no longer whatever the Honorable Council is wrong in dismissing this petition saying there is no ground-

11. The Honorable Council failed to decide on the settlement of Issues of the Lower Court, but has given Judgement miscellaneously is wrong.

12. The Appellants father was deprived of the office in the year 1870, and it was handed over ~~to~~ Veiraya Swamy he enjoyes till 1885 ~~up to~~ his death and left no heirs. Afterwards it should be made over ~~to the~~ Hukdars but the Government is wrong in making it over ~~to~~ his relations.

The other evidences will be argued at the Hearing after the posting ~~of~~ this application.

15-7-94

Solicitors

No. 2479

39

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

LR. 169-94 25 Nov 1894

Endorsement granted to Kristnappa of Bangalore

in reply to his Petition Registered No. 2479 dated without date praying for a review of the decision of Govt in appeal suit no. 29 of 1892-93 regarding the office of Patel of Doddajji, Doddaballapur Taluk —

Petitioner is informed that the orders already passed are correct and there are no grounds for revising them.

2. The Enclosures are returned.

By order

No 8514 dt 29-11-94 Chief Secy
LR 34-93

Copy to the Dy. Commr. Bangalore District for information and return of the Vernacular record returned with his letter no 1171 dated 30 March 1894

"By Order"

29/11/94
Chief Secretary.

29/11

Draft as per order
KR 29/11

M. G. C. P., Bangalore—6-3-94.—2000.

40

(13)

41

Gen. Serial No. 32.]

1895

No. 2328 (15)

Name of Petitioner. Venkanappa - Son of Venkataramana - Kasaba Patel of

Village. Doddaballapur

Taluk. Doddaballapur

District. Bangalore

Date of Arst. 14-3-95

Date of Receipt. 15-3-95

Date of Disposal.

No. of Enclosures. 1

ABSTRACT.

Applies for revision of Govt. decision passed in Rev. A. S. No. 49 of 1892-93 on 11-9-93.

The petitioner urges as follows:

1. That the appellant's grandfather continued to conduct the duties of Patel and Chandrapa for a long time up to 1863. He having grown old found it difficult to manage the above offices. Consequently he proposed to the authorities that his uncle should be permitted to conduct the duties of Chandrapa and his father Venkataramana those of Patel. The authorities thereupon issued Cowl No. 32 of 11-6-63 to Venkatanarasiah directing him that the Chandrapa's work

Submitted to Rev. Commissioner
Third
~~Second~~ application
for review of Govt
decision dated
1st Sep 1893
Petn not stamped

L.R. 16 & 17 of

The decision is dated
no 6 in the file. It
was passed by Mr Thumboo
Chettiar & Mr Ramachandra Iyer.

The first application
for review was rejected
by Messrs Thumboo Chettiar
and Chantsal Rau
(Vide Endorsement dated
8-1-94, dated no 9
in the file)
on the receipt of the second
application for review,
Mr Chantsal Rau referred
the Petn to the Dewan
who has noted on it
that he would not
interfere with the decision
(dated no 10 in the file)
Petr has again presented
this Petn.
So that the matter
is now which has
been considered
more than
once &
finally decided.
A communication
should be issued
to Petr.
15/3
Dfts 1MR 15/3

Held in pursuance of Ballot was taken from his uncle Dhamia and the Patel work from his father Venkatarama. The fact of his father having held the office up to 1870 has been proved by Exhibit J and also by witnesses.

That the appellant's father, who was conducting the duties up to 17-11-70, was removed from office on the mere ground of his being a Brahmin. and the office was conferred on respondent's father. This will be seen from the Exhibit K.

That it is expressly stated in Exhibit-L. Govt. Circular No. 5 of 22-10-72 - that it was not right to have removed the officiator from the office of Patel and deprive him of the hereditary Watan on the ground of his being a Brahmin - From this it would be apparent that his father was not removed from office for any fault of his.

That the appellant was a minor at the time when his father was deprived of the Watan. According to Sec. 7 of the Limitation Act the appellant filed a suit on 18-9-91 to recover the ancestral Patki Watan within three years after he attained majority On this the lower court decided that the appellant was not affected by the law of limitation - that he had filed the suit in time and that he was the proper Watandar - Govt. admits the Watan of the appellant but do not expressly state whether the suit was filed in time or whether the same was barred by limitation

the Exhibit A - Govt. circular No. 927 of 9-5-97 expressly lay down that even though 60 or 70 years have elapsed since the transfer of Patel and Kaumbiavike Vakil to other families owing to treason due ~~to~~ such Vakil should be conferred only on the Vakildar's family but no new man should be selected - ~~Moreover the Vakil which had been transferred to Strangers~~ Moreover the respondent's father enjoyed during his lifetime the Vakil which had been transferred to Strangers - It is not just to have transferred it to his Warasdar thereby depriving the Vakildar of his Vakil -

That there is a rule to the effect that summary proceedings made in 1870 and 1885-86 have no connection with this suit - the Govt. have decided in suit No. 760 of 19-8-91 that summary records have no connection with a regular suit - Under the circumstance the decision of Govt. in his case based on summary proceedings from 1870 to 1885-86 is contrary to rules. the Exhibit 7 Circular No. 346 - states that only one Patel should be nominated for a village - that

the Patel should not be appointed for 3 villages and that if there are balloons it should on previous occasions be conferred on them - the respondent is the Patel of three villages viz. Dodda Hejjaji, Kattiana Agrahara & Venkatesapura - Conforming the Patels of two villages to the respondent - the hereditary office of Patel of Dodda Hejjaji should be ordered to be conferred on him - the appellant.

That he has proved the issues framed in the court of the Addl. Asst. Comr. Bangalore Dist. that his suit was not barred by limitation and that the appellant possessed the Patel's work - as the Court did not form a just opinion although the law was in his favour he submitted a review application with proper stamps on 6-11-93

Prays that nothing this petition on the file of the above and admitting his review on the above grounds and on re-investigating into the matter the appellant's suit may be decreed to him

15/3

Petition to be laid before Durbar in Council for the Rev. Gulmohr 16 Dec 1892 No Stamp Dy 2328 15/12

Encl 4

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. No 2328
DATE 15-3-93

ಸಲ್ಲಿಸುವಂತೆ ಸುಪ್ರಿಂ ಗವರ್ನರ್ ಇನ್ ಕೌನ್ಸಿಲ್ ಆಫ್ ಇಂಡಿಯಾ
1892-93ನೇ ಇಸವಿಯ ಫೆಬ್ರವರಿ ತಿಂಗಳ 49

ಅಧಿಕೃತ ಪತ್ರಿಕೆಯಲ್ಲಿ
ಪ್ರಕಟಿಸಲಾಗಿದೆ
ಇಲ್ಲಿಗೆ ಸಲ್ಲಿಸಿದೆ

(15)

ಅಧಿಕೃತ ಪತ್ರಿಕೆಯಲ್ಲಿ
ಪ್ರಕಟಿಸಲಾಗಿದೆ
ಇಲ್ಲಿಗೆ ಸಲ್ಲಿಸಿದೆ

ಲು ಸ್ವಲ್ಪ ಕಿಟ್ಟು (ಲು ಟಿ) ಕ ಬಿಳಿ ಲೆ ಕ್ಲೆ ಲ್ಲಾ ಸಂ ಲು ನಂ ಕ ಶಿಂ ಶಂ ಪ ಕ್ಷಿ ಗಾ
ಕಾಂ ದ ಹೊ ಕ್ಷೆಂ ಕ ಮಾ ಕ್ಕು ಟ್ಟಂ ಗೆಂ ಂ ಕ ಕಾಂ ಕ ರಂ ಂ ದಿಂ ದ ಲಿ ಕಿ ಟಿ
ಲು ಲು ಶ ಲು ಪ ಕಿ ಲಲ್ಲಾ ಂ - ಅ ಕ ಶ ಕ ಕ್ಕು ಕ್ಷೆಂ ಕ ಅ ಕ ಶ ಕ ಕಿ ಟಿ
ಕ್ಲೆಂ ಕ ಗಿ ಕಿ ಂ ದು ಳ ಸಿ ಲಿ ಲು ಲ್ಲಿ ಲಿ ಕಿ ಲ್ಲಿ ಲಿ ಲು ಲ ಇ ಸಿ ಕಿ
ಳ ಲು ಲ್ಲಿ ಂ ಕ ಗಿ ಂ ಬಾ ಲು ಕಾಂ ಶ್ಲೆಂ ಲು ಪ ಕ ಶ ಕ್ಲೆಂ ಪ್ಲಿ ಲ ಲೆ ಕ
ಲ್ಲಿ ಕ ಲು ಂ ಲು ಲು ಶ್ಲೆ - ಲು ಪ ಶಂ ಂ ಕ ಗಿ ಂ ಕ ಶಂ ಪೆ ಲು
ಲು ಕಾಂ ಸ್ಲಿ ಕ ಶಿ ದ ಕ ಶ್ಲೆ ಕ ದಿಂ ದ ಕಿ ಲ್ಲಾ ಕ ಪ್ಲ ಲ್ಲಾ ಕಿಂ ದು
ಸಿ ಂ ಕ ಗಿ ಸು ಶ್ಲೆ

ಅ ಲಿ ಗಿ ಕಾಂ ಪಿ ಕ ಶಂ ಪಿ ಸಿ ಹು ಕ್ಲೆ ಲ್ಲಿ ಕ ಕ್ಲೆ ಲ್ಲಾ ಕ ಕ್ಲೆಂ ಲ ದ ಲ್ಲಿ. ಅ
ಲೆ ಗಾಂ ದಿ - ಕ್ಲೆ ಲ್ಲಾ ಕ ಲ್ಲಿ - ಲ್ಲಾ ಕ ಸಿ ಲು ಪ್ಲ ಕ ಂ ಪಾಂ - ಪ ಲಿ ಕಾಂ
ಲಿ ಗಿ ಸಿ ಲು ಂ ದ ಕಿ ಸಲು ಂ ಲು ಕ ಲು ಪ್ಲ ದ ಕ ಳ ಶ ಕಾಂ ಸಿ ಲಿ ಸಲು ಲಿ
ಪ್ಲ ಗಿ - ಲಿ ಕ್ಲೆ ಗಿ ಕಿ ಲ್ಲೆ ಕ್ಲೆ ಸ ಗಿ ಲ್ಲ ಕ್ಲೆ ಂ ಕ ಗಿ ಂ ಕ ಪಿ ಕ ಶಾಂ ಸಿ ಲ್ಲ
ಶಾಂ ಪ ಲೆ ಲಿ - ಕು ಕ್ಲೆ ಂ ಕ ಳ ಕಿ ಲು ಲ - ಗ ಗಿ ಲು ಲ್ಲಿ ಲ್ಲಿ ಕ ಲ್ಲಿ
ಲಿ ಂ ಬ ಲು ಗಿ ಕಿ ಲ್ಲಿ ಂ ಗಿ ಇ ಲ ಲ್ಲಿ. ಪಾಂ ಕಾಂ ಸಲಾಂ ಗಿ ಪ್ಲ ಕ್ಲೆ ಲ್ಲಾ
ಕಾಂ ಪಿ ಸಿ ಲ ಸಲಿ ಪ್ಲ ಗಿ ಸಾಂ ಪ್ಲ ಕ್ಲೆ - ಲ್ಲಾ ಕ ಶಾಂ ಕ ಲು ಂ - ಪ ಲಿ ಲು ಂ
ಪ ಕ ಕ್ಲೆ ಲ ದ ಲ್ಲಿ ಪಾಂ ಕಾಂ ಕ ಶಂ ಪಿ ಲು ಕ್ಲಿ ಗಿ ಂ ಕ ಲು ಂ - ಪ ಲಿ ಲು ಂ
ಪ ಕ ಕ್ಲೆ ಲ ದ ಲ್ಲಿ ಂ ಕ ಶಾಂ ಕ ಲು ಂ - ಕ್ಲೆ ಪ ಕ್ಲೆ ಲ್ಲಾ ಕ ಗಿ ಂ ಕ ಲ ಕಿ ಲ್ಲಿ
ಕ ಪ್ಲ ಲು ಲು ಕ್ಲಿ ಕಾಂ ಕ ಶಾಂ ಕ ಲು ಂ - ಪ ಲಿ ಲು ಂ ಪ ಕ ಕ್ಲೆ ಲ ದ ಲ್ಲಿ
ಕ್ಲೆಂ ಪ್ಲಿ ಕ್ಲೆಂ ಳ್ಳು ಕ್ಲಿ ಲು - ಲ ಸಲಿ ಪ್ಲ ಗಿ ಸ ಪ್ಲ ಲು ದ ಲ್ಲಿ
ಪ ಲಿ ಲು ಂ ದ ಕ್ಲೆ ಲ ದ ಲ್ಲಿ - ಲು ಂ ಪಾಂ ಲು ಲು ಲಾಂ ದಿ ಲು ಕ್ಲೆ ಂ
ಕ ಲು ಂ - ಅ ಧ್ಯ ಕಾಂ - ಲ ಸಲಿ ಪ್ಲ ಗಿ ಸಾಂ ದಿ ಪ್ಲೆ ಲಿ ಸ ಪ್ಲೆ ಲು ಂ
ಕ ಲು ಂ - ಪ್ಲ ಕ್ಲೆ ಕಾಂ ಪ್ಲ ಹೆ ಳ್ಳು ಕ ಶಂ ಲ್ಲಿ -
ಲು ಸ್ವ ಲಿ ಟಿ ಗಿ (ಲು ಂ) ಕ ಗಿ ಲು ಪ್ಲೆ ಮಿ ಗಿ ಸಿ ಲು ಲ್ಲಿ ಂ 92ಗ
ಬಿ ಕಿ ಂ ದು ಲ ಸಾಂ ಕ್ಲೆಂ ಲು ಪ ಕ ಶ ಕ್ಲೆಂ ಪ್ಲಿ ಲ ಲೆ ಕ ಲ್ಲಿ. ಪ ಲಿ ಲ
ಶಾಂ ಪ್ಲಿ ಳ ಲು ಸ್ಲಾಂ ಶ ಕ್ಲೆ ಹು ಕ್ಲೆಂ ಕ ಶಾಂ ಗ ಪ್ಲೆ ಮಿ ಕ್ಲೆ ಹು ಕ ಶ ಕ್ಲೆ ಗಾ ಕ್ಲೆ ಲಾಂ ಶಿ
ಶ ಕ್ಲಿ ಕ ದಿಂ ದ ಬಾ ಕ ಶಂ ಕಿ ಂ ಗಿ ಸಿ - ೧೦ - ೨೦ - ಕ ಲು ಪ್ಲ ಕ ಳು ಪ ಲಾಂ
ಶಿ ಗ ಕಾಂ ಸಿ ಲು ಪ್ಲಿ ಸು ಶಂ ಲ್ಲಿ - ಲಾಂ ಕ್ಲೆಂ - ಹು ಕ್ಲೆಂ ಕ ಹು ಕ್ಲೆ ಪಾಂ ಕ
ಪ ಂ ಶ ಕ್ಲೆ ಕ್ಲೆಂ ತ ಸಿ ಕ್ಲೆ - ಕ್ಲಿಂ ಂ ಕ ಲ ಲ ಲು ಪ ಕಾಂ ಸ್ಲಾ ಪ್ಲಿ ಕ್ಲಿಂ ಪ
ಲಾಂ ಕ ಗಿ ಲ್ಲಿ ಪಾಂ ಲು ಸ ಕ್ಲೆಂ ತ ಪ್ಲಿ ಳ ಕ ಲು ಂ ಲು ಲು ಳಿ
ಸ ಕಿ ಲ್ಲಾ - ಪ ಕಾಂ ಶಿ ಗ ಕಾಂ ಸಿ ಲು ಪ್ಲ ಹು ಕ್ಲೆ ಪ್ಲೆ ಲಿ ಕಾಂ ಪಿ ಕ ಶಂ ಪಿ
ಸಿ ಗಂ ಕ ಪಾಂ ಸಿ ಲು ಲ್ಲೆ ಪ ಲಿ ಸಿ ಲು ಂ - ಅ ಪ್ಲ ಲ್ಲ ಸಿ ಸಿ ದ ಲು ಂ
ಲು ಂ ಶ ಅ ಕ ಪ ಕಾಂ ಕ ಸ್ಲಿ ಸಿ ಕ್ಲೆಂ ಲ್ಲಿ ಹು ಕ್ಲೆ ಪಾಂ ಕ ಲ ಸಿ ಹು
ಕ್ಲೆ ಲು ಲ ಕ ಸಿ ಕ್ಲೆ ಲು ಂ ಪಿ ಲು ಲು ಶ್ಲೆ ಕ ಲು ಲ್ಲಿ ಲಿ ಲು ಪಾಂ ಸಿ ಕ ಶ್ಲೆ ಲ್ಲಾ ಂ.

ಗಂ ಗಿ ಲು ಳ್ಳಿ ಲು ಲ್ಲಾ ಲು ಲಾಂ ಶ ಕ್ಲೆ - ಪ ಕ ಲಿ ಲು ಳ್ಳಿ ಲು ಲ್ಲಾ
ಲು ಲಾಂ ಕ ಡ ಪ್ಲಿ ಕ ಶ ಕಿ ದ ಲು ಪ್ಲಾಂ ಕ ಶ ಕಿ - ಪ್ಲ ಂ ಪ್ಲಿ ಲ ಂ - ಪ ಕಿ ಲ್ಲೆ
ಕ ಲು ಪ್ಲ ಗ ಳಿ ಕಾಂ ಲು ಲಾಂ ಸ್ಲಾಂ ಲ ಕಾಂ - ಪ್ಲ ಂ ಪ್ಲಿ ಲ ಂ ಪ್ಲಿ ಳ ಕ
ಳ ಂ ದ ಲ ಕಾಂ ಲು ಳಿ ಲು ಲ ಲು ಪ್ಲಿ ಸ ಕ್ಲೆಂ ಗಾ ಕ್ಲೆಂ ಲ

ಕೆಳಗಿನ ಪ್ರಕಾರ

/4-3-95

No. 2328

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

The 189

Endorsement granted to Krishnappa of Dodda-hejjaje, Doddaballapur Taluk

in reply to his Petition Registered No. 2328 dated 14-3-95 praying for ~~forwarding his 2nd application for~~ review of Govt. Decision in A.S. No: 490/1892-93 regarding restoration of Revenue.

Petitioner is informed that the matter is one which has been considered more than once and finally decided. It cannot be opened again.

2. The enclosures are returned.

'By Order'

Chief Secretary.

M.G.C.P.B—19-2-95—1,000

49

GOVERNMENT OF KARNATAKA

ಸಂಖ್ಯೆ
2328.

LR 169-92 (17)

ಸಚಿವ 13.

ಕರ್ನಾಟಕ ಭೂಕಂದಾಯ ಕಾಯ್ದೆ ಮತ್ತು ಕರ್ನಾಟಕ ಭೂಕಂದಾಯ ನಿಯಮಗಳಲ್ಲಿ ಕೆಲವು ತಿದ್ದುಪಡಿಗಳನ್ನು ಮಾಡಲು ಕರ್ನಾಟಕ ಭೂಕಂದಾಯ (ತಿದ್ದುಪಡಿ) ಕಾಯ್ದೆ ಮತ್ತು ಕರ್ನಾಟಕ ಭೂಕಂದಾಯ (ತಿದ್ದುಪಡಿ) ನಿಯಮಗಳನ್ನು ರೂಪಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳುವ ಬಗ್ಗೆ.

ಸಹಾಯಕ ಆಯುಕ್ತರ ಕಛೇರಿಯಲ್ಲಿ ಸಾರ್ವಜನಿಕರಿಂದ ಸ್ವೀಕರಿಸಲಾಗುವ ಅರ್ಜಿಗಳ ಸಂಖ್ಯೆಯು ಹೆಚ್ಚಾಗಿರುವುದರಿಂದ ಅರ್ಜಿಗಳ ವಿಲೇವಾರಿಯಲ್ಲಿ ಉಂಟಾಗುತ್ತಿರುವ ವಿಳಂಬವನ್ನು ತಪ್ಪಿಸಲು ಕರ್ನಾಟಕ ಭೂಕಂದಾಯ ಕಾಯ್ದೆ ಮತ್ತು ಕರ್ನಾಟಕ ಭೂಕಂದಾಯ ನಿಯಮಗಳಲ್ಲಿ ಕೆಲವು ತಿದ್ದುಪಡಿಗಳನ್ನು ಮಾಡಲು ಕರ್ನಾಟಕ ಭೂಕಂದಾಯ (ತಿದ್ದುಪಡಿ) ಕಾಯ್ದೆ ಮತ್ತು ಕರ್ನಾಟಕ ಭೂಕಂದಾಯ (ತಿದ್ದುಪಡಿ) ನಿಯಮಗಳನ್ನು ರೂಪಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳುವ ಬಗ್ಗೆ ಈ ಕೆಳಕಂಡಂತೆ ಆದೇಶಿಸಲಾಗಿದ